

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, FEBRUARY 9, 2006
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT:

Boureslan, Ali
Ellis, William - Chair
Gezelius, Ken
Graham, Elijah
Martinez, Ramy
Peña, Andrew
Ruck, Lance
Schwartz, Elma
Scott, Valerie

ALSO PRESENT:

Batoon, John – Asst. City Attorney
Buenning, Rosy – CSC Recorder
Cross, Paul – Asst. Police Chief
Cuellar, Lupe – Asst. City Attorney
Fargo, Peter - Human Resources
Guerrero, Marcos – I.T.
Guinn, Bonnie – I.T.

Mendoza, Francisca
Scott, Terry Lee – Public Transit
Surface, Stephen – Asst. Fire Chief
Thomas, Linda – CSC Secretary/
Interim HR Director
Wilson, Joyce – City Manager

The meeting convened at 6:05 p.m. with a quorum of 9 Commissioners present and Chair Ellis presiding.

CONSENT AGENDA

Chair Ellis requested that Item 2 be moved to the Regular Agenda.

Commissioner Gezelius requested that Item 4 be discussed after Item 11 on the Regular Agenda.

Ms. Thomas requested that Items 13A and 15 be deleted from the Regular Agenda.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

1. Discussion and Action on Approval of Minutes:

- A. January 12, 2006 9 (Tabled 01/26/06)
- B. January 26, 2006

2. Discussion and Action on Approval of Contracts:

Personal Services Contract with Isabel Coronel to perform the duties of Assistant to the City Manager from February 14, 2006 through February 13, 2007, for the City Manager's Office.

This item was addressed at the beginning of the Regular Agenda.

Chair Ellis asked if the City Manager renewed the contract but if there were changes in compensation or benefits would it have to come back to the Commission or could those changes also be approved by the City Manager.

John Batoon, Asst. City Attorney, believed that changes in the contract could be approved by the City Manager as well because of the type of contract.

MOTION TO APPROVE ITEM 2 MADE BY COMMISSIONER BOURESAN, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

3. Notice of Promulgation of Eligible Lists:

- A. Business and Customer Services Manager = Promulgated 01/31/06 (P-7)(O-6)
- B. Clerk Typist III = Promulgated 01/27/06 (P-1)(CR-0)(O-8)

- C. Electrician's Helper = Promulgated 01/26/06 (O-7)
- D. Secretary I = Promulgated 01/26/06 (P-1)(CR-0)(O-1)
- E. Secretary III = Promulgated 01/27/06 (P-5)(O-2)
- F. Shuttle Bus Operator = Promulgated 01/25/06 (P-1)(CR-1)(O-12)
- G. Engineering Division Manager = Promulgated 01/24/06 (P-4)(O-3)
- H. Building Inspector = Promulgated 01/23/06 (P-7)(O-1)
- I. Laboratory Analyst = Promulgated 01/20/06 (O-8)
- J. Zoo Keeper = Promulgated 01/20/06 (CR-1)(O-11)
- K. Education/Graphics Technician = Promulgated 01/18/05 (P-1)(O-4)
- L. Traffic Counter = Promulgated 01/18/06 (CR-1)(O-56)

4. Discussion and Action on request to have name placed on Transfer List:

McFadden, Debra – Personnel & Payroll Clerk – Fire Dept.

This item was addressed after Item 11 on the Regular Agenda.

Chair Ellis commented that there was a notation on the backup for the transfer that stated that the employee was counseled for excessive leave usage. He believed that comment had essentially been repudiated by virtue of the action of the Commission on Item 11, he believed the record should reflect that.

MOTION TO APPROVE ITEM 4 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

5. Discussion and Action on request to have name placed on Reinstatement List:

Rappa-Cruz, Sandra – Public Safety Calltaker – Police Dept.

6. Discussion and Action on Request for Temporary Promotion:

Erives, Mario – Public Transit
From: Paratransit Coach Operator
To: Transit Route Supervisor

7. Discussion and Action on Request for Extension of Eligible Lists for an additional six months:

Landscape Inspector – Extended through August 10, 2006

- 7.5 Discussion and Action on request to assign pending appeal cases:

- A. Estrada, Norma – Suspension – Fire Dept.
- B. Alarcon, Eva Marie – Termination – Public Transit

REGULAR AGENDA

Item 2 was addressed here.

8. A. Discussion and Action on revisions to the Performance Evaluation Manual.

Ms. Thomas reminded the Commission of a discussion at the previous meeting on whether the CSC rule or the employee performance evaluation manual had authority regarding evaluations. She told the Commission that the backup presented to them tonight are the proposed changes to the manual to make it conform to the rule.

Chair Ellis asked Assistant City Attorney Lupe Cuellar if she believed these modifications would make the two documents harmonious.

Assistant City Attorney Lupe Cuellar said she did.

MOTION TO APPROVE ITEM 8A MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

B. Discussion and Action on amending Rule 14 Efficiency Ratings, Section 7 Appeals.

Ms. Thomas told the Commission that the rule didn't have any timelines in it, therefore she was asking the Commission for permission to adopt the timelines that appear in the manual into the rule.

Chair Ellis said that conceptually they might be able to approve it but didn't believe it was in the correct format. He requested that it be reformatted like the rule and then brought back at the next meeting for approval.

MOTION TO TABLE ITEM 8B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

9. For Notation: Request to have appeal assigned to Hearing Examiner pursuant to Article 21 of the Agreement between the City and EPMPOA: Whitaker, Christine L. - Suspension - Police Dept. (IA05-107)

10. Discussion and Action on Appeal of Performance Evaluation of:

Mendoza, Francisca – Accounting Clerk – Information Technology

Chair Ellis assigned a committee consisting of Commissioners Gezelius (Chair), Peña and Scott to hear Ms. Mendoza's appeal.

MOTION TO DELETE ITEM 10 MADE BY COMMISSIONER GEZELIUS; SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

11. Discussion and Action on Committee Recommendation reference Debra McFadden's Appeal of Performance Evaluation.

Chair Ellis asked Ms. McFadden if she wanted the matter to be discussed in Executive Session or in Open Session.

Ms. McFadden said in Open Session was correct.

Chief Surface told the Commission that they had no objection to the finding of the subcommittee.

Commissioner Graham read the committee's recommendation, which was to rerate Items 1 and 2 to Competent from Meets Minimum Standards, rerate Items 5 and 14 from to Exceeds Performance Standards from Competent, and to rerate the overall evaluation to Exceeds Performance Standards from Competent.

Commissioner Boureslan stated that he agreed with the committee's recommendation reference items 1 and 2, however, when an employee is away from work for over 30 partial or complete days off not including vacation time in a unit of 5 people, the productivity of the unit and of the employee will be affected. He detailed his dissenting opinion and believed that the job Ms. McFadden was doing was a good one and in compliance with her job description but not exceeding standards. He believed her evaluation should remain Competent. He also commented that most of Ms. McFadden's evaluation was competent, yet the committee was recommending that the overall rating be exceeds standards. He also wondered if Ms. McFadden's request for transfer had anything to do with the department's comment at the beginning of this item.

Commissioner Schwartz recalled that the Commission at one time discussed the issue of an overall evaluation should be the average of all the ratings and wondered why it wasn't done in this case.

Commissioner Graham believed that Ms. McFadden was an exceptional employee and stated that departmental staff agreed with this opinion during her hearing.

Ms. McFadden believed she was going to get an exceptional on her evaluation because that is how hard she worked. She said she was dumbfounded when she received this evaluation. She stated she has never had a competent rating on any evaluations in all her years with the City. She believed her new supervisor was not rating her correctly.

Discussion.

MOTION TO APPROVE THE MAJORITY COMMITTEE RECOMMENDATION ON ITEM 10 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 7 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Gezelius, Schwartz, Scott, Ruck

Nays: Commissioner Boureslan

12. Discussion and Action on Denial of Reinstatement Request by Department:

Campos, Alex – Coach Operator – Public Transit

Commissioners commented that Mr. Campos was still in Kuwait.

MOTION TO APPROVE MR. CAMPOS' APPEAL MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

13. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.1.:

A. Fierro, Juan Arturo Jr. – International Coach Operator Trainee

Chair Ellis asked if an appellant is subsequently qualified after appealing a disqualification if HR was basically sustaining the appeal.

Mr. Fargo stated that in this particular case the appellant was missing a certificate, which he has now provided, thus qualifying him.

MOTION TO DELETE ITEM 13A MADE BY COMMISSIONER BOURESAN SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

B. Johnson, Rachel – Information Processor Operator

Ms. Johnson was not present.

MOTION TO DENY ITEM 13B MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 6:50 p.m. to discuss Items 14 and 15, and reconvened for Open Session at 6:51 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURESAN AND UNANIMOUSLY PASSED.

14. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

Jaime, Rodolfo – Coach Mechanic I (Ord. 8064, 5.1.b.)

Mr. Jaime was not present.

MOTION TO DENY ITEM 14 MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER PEÑA AND PASSED BY A VOTE OF 6 TO 2.

Ayes: Commissioners Peña, Martinez, Gezeliuss, Boureslan, Schwartz, Scott
Nays: Commissioner Graham, Ruck

15. Discussion and Action on the appeal filed requesting Commission review of a denial of reinstatement request by Department: Quintana, Leo – Police Officer – Police Dept.


Chair Ellis commented that just before the meeting the Commission was given an excerpt from the agreement between the City and the police association. He said the operative language was the last sentence of the first paragraph of Article 20 "Reinstatement of employees covered under this agreement shall not be subject to approval by or the oversight of the Civil Service Commission unless required by City Charter."

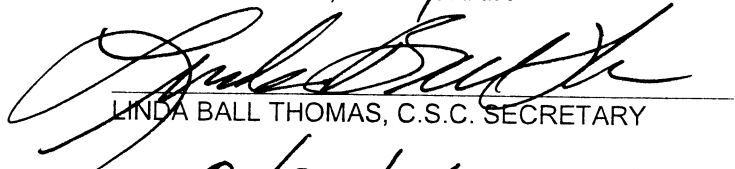
Discussion.

MOTION TO DELETE ITEM 15 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 6:54 P.M.


WILLIAM J. ELLIS, C.S.C. CHAIR


LINDA BALL THOMAS, C.S.C. SECRETARY


DATE APPROVED